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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,451	01/27/2000	Takaaki Inoue	4406-0011-2	9886

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HANDY, DWAYNE K

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 09/09/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,451

Applicant(s)

INOUE, TAKAAKI

Examiner

Dwayne K Handy

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 2, 3, 7 and 20 applicant has claimed a "liquid amount storage configured to memorize a present amount of each of the liquid chemicals..." as part of the device. In claim 19 this term is a "liquid amount storage means". These terms are unclear. It appears applicant is attempting to claim a section of the control mechanism for the device, but the language of the claim only recites a "liquid storage". This is different from a controlling mechanism which includes a section for storing the liquid amount stored in the liquid containers. That is, the Examiner fails to see how a device which stores liquid can memorize an amount.

The Examiner requests that this term be clarified and has previously informed applicant's representative, Akihiro Yamazaki, during a telephone conversation on September that the addition of a controlling unit to the independent claims containing this phrase would alleviate the Examiner's concerns as to exactly what this terms is referring to in the device.

Also, in claim 20 applicant has claimed a liquid shortage detecting system configured to interact with various elements of a synthesizer, but has not claimed those

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elements. The claimed elements refer to liquid containers which are only mentioned in the preamble of the claim and not referred to in the body and therefore are not considered to be part of the device which is given patentable weight.

Finally, in claim 21 applicant has claimed a method for detection which involves memorizing, calculating and detecting liquids from an element – again the liquid containers – which have not been claimed and therefore are not considered to be present in the device as currently claimed.

Appropriate correction is required.

Response to Arguments

3. Applicant's arguments, filed 6/20/2003, with respect to the reference "Petschek" have been fully considered and are persuasive. The rejection of claims 1-12 and 14-21 has been withdrawn. The Examiner agrees with applicant that the reference "Petschek", while teaching a device with a plurality of reaction vessels and a liquid dispensing means which delivers reactants, does not teach a control unit which is configured in the manner of applicant's device.

Allowable Subject Matter

4. Claims 1-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Claims 1 and 19 recite an apparatus comprised of a plurality of reaction vessels, a plurality of liquid containers, at least one liquid dispenser configured to dispense the

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liquid containers, and a control unit which contains a liquid amount storage section, a liquid shortage detector, and a dispensing amount calculator, all of these interacting to control the dispensing/supply portions of the synthesizing unit. The Examiner considers the reference "Petschek" to be the closest prior art relevant to applicant's device.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (703)-305-0211. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (703)-308-4037. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0661.

Dkh
September 7, 2003


Jill Warden
Supervisory Patent Examiner
Technology Center 1700